To:	Sparta Beverage LLC (TRADEMARKS@SPARTABEVERAGE.COM)
Subject:	U.S. TRADEMARK APPLICATION NO. 77530392 - SPARTAN MEAL - N/A
Sent:	5/18/2016 1:14:36 PM
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UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 77530392

MARK: SPARTAN MEAL

77530392

CORRESPONDENT ADDRESS:
SPARTA BEVERAGE LLC
PO BOX 370027
RESEDA, CA 91337

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APPLICANT: Sparta Beverage LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :
N/A
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OFFICE ACTION

EXAMINER'S SUBSEQUENT FINAL REFUSAL

ISSUE/MAILING DATE: 5/18/2016

THIS IS A FINAL ACTION.

INTRODUCTION

This Office action is in response to applicant's communication filed on March 18, 2016 (hereinafter "March 2016 response").

Following remand from the Trademark Trial and Appeal Board, in a previous Office action dated September 18, 2015 (hereinafter "September 2015 Office action"), the trademark examining attorney reinstated a requirement regarding applicant's proposed amendment to its mark drawing. The examining attorney also continued and maintained a refusal to register the applied-for mark based on Section 2(d) of the Trademark Act for a likelihood of confusion, as well as requirements pertaining to a disclaimer and mark description.

In its March 2016 response, applicant did not address the reinstated mark drawing requirement. Moreover, the applicant did not address the Section 2(d) refusal, disclaimer requirement, or mark description requirement. Applicant did request suspension of the application, which the examining attorney has found inappropriate for the reasons specified below.

The following issues remain in FINAL status and are MAINTAINED ON APPEAL:

- Section 2(d) Refusal – Likelihood of Confusion
- Disclaimer Required
- Drawing of the Mark – Withdrawal Required
- Description of the Mark – Amendment Required

See 37 C.F.R. §2.63(b); TMEP §714.04.

Please note that issues raised by applicant in its March 2016 response are addressed below in a separate section entitled "Review of Applicant's

Response – March 18, 2016".

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

For the reasons set forth below, the refusal under Trademark Act Section 2(d) remains FINAL with respect to U.S. Registration No. 4027315 (SPARTAN ORGANICS). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.63(b). All previous arguments and evidence are incorporated herein by reference.

Here, applicant seeks to register the mark SPARTAN MEAL for "[d]ietary and nutritional supplements; nutritional supplements, namely, sport nutrition; dietary drink mix for use as a meal replacement; excluding products for prostate health," in Class 5. Registrant's mark is SPARTAN ORGANICS for "[d]ietary supplements, food supplements and herbal supplements, all featuring organic ingredients," in Class 5.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods of the applicant and registrant. *See* 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods, and similarity of the trade channels of the goods. *See In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.* , 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

SIMILARITY OF THE MARKS

As provided above, applicant's mark is SPARTAN MEAL, and registrant's mark is SPARTAN ORGANICS. The marks are similar because of the common, dominant term SPARTAN. Although marks are compared in their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression. *See In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Nat'l Data Corp.* , 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii). Greater weight is often given to this dominant feature when determining whether marks are confusingly similar. *See In re Nat'l Data Corp.* , 753 F.2d at 1058, 224 USPQ at 751. Moreover, this common term, SPARTAN, also appears first in both marks. Consumers are generally more inclined to focus on the first word, prefix, or syllable in any trademark or service mark. *See Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F. 3d 1369, 1372, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005); *Presto Prods., Inc. v. Nice-Pak Prods., Inc.*, 9 USPQ2d 1895, 1897 (TTAB 1988) ("it is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered" when making purchasing decisions).

Applicant's mark contains the word MEAL, while registrant's mark contains the word ORGANICS. However, this additional matter in both applicant's and registrant's mark are non-distinctive and highly descriptive of the goods. As previously provided in the Office action dated November 10, 2008, the term MEAL means "an occasion when food is served or eaten, esp. breakfast, lunch, or dinner, *or the food itself on such an occasion* [emphasis added]." *See* definition of MEAL from Cambridge Dictionary Online previously attached to November 11, 2008, Office action. As the term MEAL is highly descriptive of applicant's goods (generally, dietary and nutritional supplements and dietary drink mixes for meal replacements), this term does not add any distinctive, unique, or new element to the mark that would otherwise create a commercial impression different from that of registrant's mark. Moreover, the term ORGANICS in registrant's mark is disclaimed, as highly descriptive matter (*i.e.*, goods featuring organic ingredients). *See* previously attached registration. Disclaimed matter that is descriptive of or generic for a party's goods is typically less significant or less dominant when comparing marks. *See In re Dixie Rests., Inc.*, 105 F.3d 1405, 1407, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997); *In re Nat'l Data Corp.* , 753 F.2d at 1060, 224 USPQ at 752; TMEP §1207.01(b)(viii), (c)(ii). As such, the consumer is faced with the dominant terms of the marks – SPARTAN – which is identical in both marks.

RELATEDNESS OF THE GOODS

Both applicant and registrant provide a variety of dietary and nutritional supplements. The goods of the parties are clearly related and likely to be found in the same channels of trade by the same consumers.

The goods of the parties need not be identical or even competitive to find a likelihood of confusion. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000) ("[E]ven if the goods in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods."); TMEP §1207.01(a)(i).

The respective goods need only be "related in some manner and/or if the circumstances surrounding their marketing [be] such that they could give rise to the mistaken belief that [the goods] emanate from the same source." *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

Also, with respect to applicant's and registrant's goods, the question of likelihood of confusion is determined based on the description of the goods stated in the application and registration at issue, not on extrinsic evidence of actual use. *See Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1323, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014) (quoting *Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990)).

Absent restrictions in an application or registration, the identified goods are "presumed to travel in the same channels of trade to the same class of purchasers." *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)). Additionally, unrestricted and broad identifications are presumed to encompass all goods of the type described. *See In re Jump Designs, LLC*, 80 USPQ2d 1370, 1374 (TTAB 2006) (citing *In re Elbaum*, 211 USPQ 639, 640 (TTAB 1981)); *In re Linkvest S.A.*, 24 USPQ2d 1716, 1716 (TTAB 1992).

In this case, the identification set forth in the application and registration has little or no restrictions as to nature, type, channels of trade, or classes of purchasers. Therefore, it is presumed that these goods travel in all normal channels of trade, and are available to the same class of purchasers. Further, the application and registration use broad wording to describe the goods and this wording is presumed to encompass all goods of the type described in applicant's and registrant's identification where narrower.

CONCLUSION

The overriding concern is not only to prevent buyer confusion as to the source of the goods, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. *See In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); *see Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1026 (Fed. Cir. 1988).

In sum, the marks are highly similar due to the dominant and common term SPARTAN. As the marks otherwise lack any additional distinctive matter, such that the marks are confusingly similar, such similarities in the marks may cause source confusion among consumers. Moreover, the high degree of relatedness nature of the goods poses additional concern for a likelihood of confusion with respect to the source of the goods. Therefore, the refusal to register applicant's proposed mark, SPARTAN MEAL, under Section 2(d) of the Trademark Act for a likelihood of confusion is maintained as FINAL.

DISCLAIMER REQUIRED

A disclaimer of the term MEAL was originally required by the examining attorney in an Office action dated November 10, 2008, and it was reinstated by Office action dated September 18, 2015. It is maintained as FINAL for the reasons below. All previous arguments and evidence are incorporated herein by reference.

Applicant must disclaim the wording MEAL because it merely describes a feature, purpose, or use of applicant's goods, and thus is an unregistrable component of the mark. *See* 15 U.S.C. §§1052(e)(1), 1056(a); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); TMEP §§1213, 1213.03(a).

As previously provided, American Heritage Dictionary shows this wording means "the edible whole or coarsely ground grains of a cereal grass" or "the food served and eaten in one sitting." *See* American Heritage Dictionary, search of "meal," https://www.ahdictionary.com/word/search.html?q=meal (accessed: September 11, 2015). Moreover, applicant uses the word "meal replacement" in the identification of goods thereby illustrating that "meal" describes the goods to be provided by applicant, such as "meal replacement." *Id.*, search of "replacement," meaning "one that replaces another," https://www.ahdictionary.com/word/search.html?q=replacement (accessed: September 11, 2015); search of "replace," meaning "to fill the place of; provide a substitute for," https://www.ahdictionary.com/word/search.html?q=replace (accessed: September 11, 2015). *See also, id.*, search of "dietary supplement," meaning "a product containing one or more vitamins, herbs, enzymes, amino acids, or other ingredients, that is taken orally to supplement one's diet, as by providing a missing nutrient," https://www.ahdictionary.com/word/search.html?q=dietary+supplement (accessed: September 11, 2015), and search of "diet," meaning "the usual food and drink of a person or animal," https://www.ahdictionary.com/word/search.html?q=diet (accessed: September 11, 2015). In addition, third party websites, previously attached in the September 2015 Office action, also illustrate that "meal" is commonly used on products or to describe products in applicant's field of industry to refer to meal replacements, meal substitutes, or simply as a supplement to one's diet. See http://www.swansonvitamins.com/meal-

replacements; http://www.vitaminshoppe.com/p/next-step-fit-n-full-swiss-chocolate-mrp-608-g-powder/vs-2864#.VfLmkU2FNmM; http://www.gnc.com/Diet/Meal-Replacements/family.jsp?categoryId=12959301 (all accessed: September 11, 2015). Based on the foregoing, the term "MEAL" is descriptive of applicant's goods for dietary and nutritional supplements; nutritional supplements, namely, sport nutrition; dietary drink mix for use as a meal replacement. *See* application, identification of goods.

An applicant may not claim exclusive rights to terms that others may need to use to describe their goods in the marketplace. *See Dena Corp. v. Belvedere Int'l, Inc.* , 950 F.2d 1555, 1560, 21 USPQ2d 1047, 1051 (Fed. Cir. 1991); *In re Aug. Storck KG*, 218 USPQ 823, 825 (TTAB 1983). A disclaimer of unregistrable matter does not affect the appearance of the mark; that is, a disclaimer does not physically remove the disclaimed matter from the mark. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 978, 144 USPQ 433, 433 (C.C.P.A. 1965); TMEP §1213.

If applicant does not provide the required disclaimer, the USPTO may refuse to register the entire mark. *See In re Stereotaxis Inc.*, 429 F.3d 1039, 1040-41, 77 USPQ2d 1087, 1088-89 (Fed. Cir. 2005); TMEP §1213.01(b).

As such, a disclaimer in the following standardized format is required:

No claim is made to the exclusive right to use "MEAL" apart from the mark as shown.

For an overview of disclaimers and instructions on how to satisfy this disclaimer requirement online using the Trademark Electronic Application System (TEAS) form, please go to http://www.uspto.gov/trademarks/law/disclaimer.jsp.

It is noted that applicant previously submitted a disclaimer of the term "MEAL" but later retracted this statement. See applicant's request for reconsideration dated November 9, 2014. Based on the foregoing, the requirement to disclaim the term "MEAL" is maintained as FINAL.

DRAWING OF THE MARK – WITHDRAWAL REQUIRED

As provided in the September 2015 Office action, the applicant was required to withdraw the request to amend the drawing of the mark as the proposed amendment, to add the design of the Greek letter lambda on top of the words SPARTAN MEAL, was a material alteration of the mark. *See* September 2015 Office action for procedural history on drawing amendment.

An amendment to a mark will not be accepted if the change would materially alter the mark in the initial application. 37 C.F.R. §2.72; TMEP §807.14. Determining whether a proposed amendment materially alters a mark involves comparing the proposed amended mark with the mark in the drawing filed with the original application. 37 C.F.R. §2.72; TMEP §807.14(d).

The test for material alteration is whether the modified mark retains what is the essence of the original mark; that is, whether the new and old forms create the impression of being essentially the same mark. *In re Hacot-Columbier*, 105 F.3d 616, 620, 41 USPQ2d 1523, 1526 (Fed. Cir. 1997) (quoting *Visa Int'l Serv. Ass'n v. Life Code Sys., Inc.* , 220 USPQ 740, 743 (TTAB 1983)); *see In re Nationwide Indus. Inc.*, 6 USPQ2d 1882, 1885 (TTAB 1988); TMEP §807.14. For example, if republication of the amended mark would be necessary to provide proper notice of the mark to third parties for opposition purposes, then the mark has been materially altered and the amendment is not permitted. *In re Hacot-Columbier*, 105 F.3d at 620, 41 USPQ2d at 1526 (quoting *Visa Int'l Serv. Ass'n v. Life Code Sys., Inc.* , 220 USPQ at 743-44). Also, the addition of an element that would require a further search may be a factor in determining material alteration. *In re Guitar Straps Online, LLC*, 103 USPQ2d 1745, 1747 (TTAB 2012); *In re Who? Vision Sys. Inc.*, 57 USPQ2d 1211, 1218 (TTAB 2000).

In the present case, the proposed amendment to the mark remains refused because it would result in a material alteration of the mark depicted in the original application. TMEP §807.17; *see* 37 C.F.R. §2.72; *In re Who? Vision Sys., Inc*., 57 USPQ2d 1211 (holding proposed amendment from "TACILESENSE" to "TACTILESENSE" to be material alteration due to the difference in meaning or connotation between the marks); *In re CTB Inc*., 52 USPQ2d 1471 (TTAB 1999) (holding proposed amendment of TURBO and design to the typed word TURBO to be a material alteration due to the design being distinctive matter).

Specifically, the proposed amendment would materially alter the mark in the initial application because the addition of the Greek letter lambda is not a Latin or Roman character, which is easily recognizable and understood by the public. Rather, the addition is a Greek character, generally serving as a source for technical symbols and labels in the fields of mathematics and science. As such, this addition of the Greek symbol changes the commercial impression of the mark. *See* pages from Wikipedia, search of "lambda," https://en.wikipedia.org/wiki/Lambda; search of "Greek alphabet," https://en.wikipedia.org/wiki/Greek_alphabet (all accessed: September 11, 2015) previously attached to September 2015 Office action. *See also*, TMEP §807.17.

In the September 2015 Office action, the examining attorney notified applicant that the proposed drawing amendment was not accepted, and the original drawing of the mark would remain operative. As such, the requirement to withdraw applicant's request to amend the drawing is maintained as FINAL, and the original drawing of the mark remains operative.

DESCRIPTION OF MARK REQUIRED – AMENDMENT REQUIRED

In the September 2015 Office action, applicant was advised that an amendment was required to the description of the mark to correspond with the original drawing of the mark. Specifically, applicant was required to submit an accurate and concise description of the literal and design elements in the mark concerning the original mark drawing (*i.e.*, without the lambda). 37 C.F.R. §2.37; *see* TMEP §§808.01, 808.02. The following was suggested:

> **The mark consists of the stylized wording "SPARTAN MEAL".**

Applicant has not complied with this requirement. As such, this requirement to amend the description of the mark, such that it corresponds to the original mark drawing, is maintained as FINAL.

REVIEW OF APPLICANT'S RESPONSE – MARCH 18, 2016

Applicant provided a response dated March 18, 2016. In this response, applicant did not address the reinstated mark drawing requirement following remand from the Board. Rather, applicant requested suspension of action pending final disposition of Application Serial Nos. 77567596 (SPARTAN) and 85567313 (SPARTAN FUEL). However, for the reasons below, suspension of the present application is not appropriate.

Application Serial No. 77567596 abandoned on May 2, 2016, and would not otherwise serve as a bar to registration of the instant mark. *See* TMEP §§718 *et seq*.

Application Serial No. 85567313 was filed on March 12, 2012, almost four years following the filing date of the instant application. As the filing date of Application Serial No. 85567313 does not precede applicant's filing date, it would not otherwise serve as a bar to registration of the instant mark. *See* TMEP §716.02(c) and §§1208 *et seq*.

Applicant also attached and requested notice of a non-precedential Trademark Trial and Appeal Board (Board) ruling concerning the mark SPARTAN ENERGY (SN 77532353), also owned by applicant. This evidence is not relevant to the issues raised with respect to the instant application, as both the marks and identified goods are different. Moreover, trademark examining attorneys are not bound by the actions of past examining attorneys in prior registrations, even if the registrations have some characteristics similar to the application at issue; each case is decided on its own merits. *In re Manwin/RK Collateral Trust*, 111 USPQ2d 1311, 1315 (TTAB 2014) (citing *In re Nett Designs, Inc.*, 236 F.3d 1339, 1342, 57 USPQ2d 1564, 1566 (Fed. Cir. 2001)).

CONTINUATION OF APPEAL

The trademark examining attorney has carefully reviewed applicant's most recent response. However, for the reasons provided in this subsequent final Office action, applicant's response does not resolve any of the outstanding issues.

Because applicant's response does not resolve all outstanding refusals or requirements nor otherwise put the application in condition for publication or registration, the trademark examining attorney is holding all issues final. *See* 37 C.F.R. §§2.63(b), 2.142(d); TMEP §715.04(b).

The following issues remain in FINAL status and are MAINTAINED ON APPEAL:

- Section 2(d) Refusal – Likelihood of Confusion
- Disclaimer of "MEAL" Required
- Drawing of the Mark – Withdrawal of Amendment Required
- Description of the Mark – Amendment Required

The Board has been notified to resume the appeal. *See* TMEP §715.04(b).

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TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application.

For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at http://tsdr.uspto.gov/. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see http://www.uspto.gov/trademarks/process/status/.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at http://www.uspto.gov/trademarks/teas/correspondence.jsp.

To:	Sparta Beverage LLC (TRADEMARKS@SPARTABEVERAGE.COM)
Subject:	U.S. TRADEMARK APPLICATION NO. 77530392 - SPARTAN MEAL - N/A
Sent:	5/18/2016 1:14:38 PM
Sent As:	ECOM120@USPTO.GOV
Attachments:	

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON **5/18/2016** FOR U.S. APPLICATION SERIAL NO. 77530392

Your trademark application has been reviewed. The trademark examining attorney assigned by the USPTO to your application has written an official letter to which you must respond. Please follow these steps:

(1) READ THE LETTER by clicking on this link or going to http://tsdr.uspto.gov/**,** entering your U.S. application serial number, and clicking on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) RESPOND WITHIN 6 MONTHS (*or sooner if specified in the Office action*), calculated from **5/18/2016**, using the Trademark Electronic Application System (TEAS) response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions.

(3) QUESTIONS about the contents of the Office action itself should be directed to the trademark examining attorney who reviewed your application, identified below.

/Jeane Yoo/
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WARNING

Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application. For more information regarding abandonment, see http://www.uspto.gov/trademarks/basics/abandon.jsp.

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see http://www.uspto.gov/trademarks/solicitation_warnings.jsp.